

CLD-64

November 30, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **06-2359**

CHRISTOPHER R. DESMOND

v.

WARDEN ROBERT SNYDER, ET AL.

(District of Delaware Civil No. 96-cv-00327)

Present: RENDELL, SMITH and COWEN, Circuit Judges .

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Appellant's Informal Brief; and
- (3) Appellant's attachment to his Informal Brief; in the above-captioned case.

Respectfully,

Clerk

MMW/EGL/cmd

O R D E R

The foregoing request for a certificate of appealability is denied because appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In particular, for the reasons given by the District Court, appellant has not shown that reasonable jurists would find the District Court's assessment of his motion under Rule 60 of the Federal Rules of Civil Procedure debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge

Dated: January 11, 2007

CMD/cc: Christopher R. Desmond
Thomas E. Brown, Esq.